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HITACHI GLOBAL STORAGE TECHNOLOGIES, INC.  
5600 COTTLE ROAD, NHGB/0142  
IP DEPARTMENT  
SAN JOSE, CA 95193

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|                                      |   |                      |
|--------------------------------------|---|----------------------|
| In re Application of                 | : |                      |
| Baugh et al.                         | : |                      |
| Application No. 10/684,097           | : | DECISION ON PETITION |
| Filed: October 10, 2003              | : |                      |
| Attorney Docket No. HSJ9200330193US1 | : |                      |

This is a decision on the petition filed in the above-identified application.

The petition is **DISMISSED**.

The rules and statutory provisions governing the operations of the U.S. Patent and Trademark Office require payment of a fee on filing each petition to revive an abandoned application for patent based on unintentional delay or to accept an unintentionally delayed payment of a fee for issuing a patent. In this instance, the fee required by law is \$1,540. If applicant can qualify as a "small entity" and does so prior to or together with the payment of the fee, the fee will be one-half of the amount indicated. *See* 37 CFR 1.27.

The petition in the above-identified application was not accompanied by payment of the required fee. No consideration on the merits can be given to the petition until the required fee is received.

However, if petitioner contends the reason of the abandonment in the above application and believes that no fee should be assessed, a petition under 37 CFR 1.181 to withdraw the holding of abandonment may be more appropriate. *See* MPEP 711.03(c)(I)(A) "Petition To Withdraw Holding of Abandonment Based on Failure To Receive Office Action". Petitioner should note that filing a petition under 37 CFR 1.181 does not necessarily guarantee that it will be granted.

The Power of Attorney filed September 22, 2008 is hereby accepted and made of record. The Notice of Acceptance of Power of Attorney is enclosed

Further correspondence with respect to this matter should be addressed as follows:

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                          ATTN: Office of Petitions

Any questions concerning this matter may be directed to Alicia Kelley at (571) 272-6059.

/SDB/

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions